

Executive Summary – Enforcement Matter – Case No. 44746
ISP Synthetic Elastomers LLC
RN100224799
Docket No. 2012-1619-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

ISP Synthetic Elastomers, 1615 Main Street, Port Neches, Jefferson County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: February 22, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$20,600

Amount Deferred for Expedited Settlement: \$4,120

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$16,480

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

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ISP Synthetic Elastomers LLC
RN100224799
Docket No. 2012-1619-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: NA

Date(s) of Investigation: June 5, 2012

Date(s) of NOE(s): August 3, 2012

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, Respondent released 746 pounds ("lbs") of butadiene and 298 lbs of styrene from a ball valve during an emission event that began on February 1, 2011, and lasted ten minutes. The event occurred when freezing conditions caused a ball valve on a line to the latex pump in the 8CC Reactor area to fail. Since this emission event was not reported, Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [Federal Operating Permit ("FOP") No. O1224, Special Terms and Conditions No. 12, New Source Review Permit ("NSRP") No. 9908, Special Conditions No. 1, 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to prevent unauthorized emissions. Specifically, Respondent released 16.5 lbs of butadiene from an atmospheric water break tank during an emission event that began on February 16, 2011, and lasted one minute. The event occurred when a redundant check valve failed and a pressure differential in the 8DA Reactor allowed butadiene to backflow through a control valve and into an atmospheric water break tank. Since this emissions event was not reported, Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [FOP No. O1224, Special Terms and Conditions No. 12, NSRP No. 9908, Special Conditions No. 1, 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to determine if the February 1, 2011 and February 16, 2011 emission events were reportable and submit initial notifications within 24 hours after discovery [FOP No. O1224, Special Terms & Conditions No. 2.F., 30 TEX. ADMIN. CODE §§ 101.201(a) and 122.142(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent implemented the following corrective measures on or before June 1, 2011:

- a. Installed insulation on the ball valve and line going to the latex pump in the 8CC Reactor area, to prevent failure due to freezing conditions and the recurrence of emission events due to same or similar causes as the February 1, 2011 incident;

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ISP Synthetic Elastomers LLC
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- b. Conducted an evaluation of the check valves and pump system starter controls in the 8DA Reactor area, to prevent pressure differentials in the reactor and the recurrence of emission events due to same or similar causes as the February 16, 2011 incident; and
- c. Conducted employee training on emission event reporting requirements and designated specific staff to report emission events, to ensure emission events are properly reported.

Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Rebecca Johnson, Enforcement Division,
Enforcement Team 5, MC R-14, (361) 825-3423; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412
TCEQ SEP Coordinator: N/A
Respondent: Howard S. Hardegree, Plant Manager, ISP Synthetic Elastomers LLC,
P.O. Box 667, Port Neches, Texas 77651
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	6-Aug-2012	Screening	13-Aug-2012	EPA Due	30-Apr-2013
	PCW	13-Aug-2012				

RESPONDENT/FACILITY INFORMATION

Respondent	ISP Synthetic Elastomers LLC		
Reg. Ent. Ref. No.	RN100224799		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	44746	No. of Violations	3
Docket No.	2012-1619-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Rebecca Johnson
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$10,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	131.0% Enhancement	Subtotals 2, 3, & 7	\$13,100
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Notes: Enhancement for six NOV with same/similar violations, one NOV with dissimilar violations, and five orders with denial of liability. Reduction for one Notice of Intent to conduct an audit.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$2,500
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$54
Approx. Cost of Compliance \$3,500
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$20,600
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$20,600
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$20,600
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DEFERRAL	20.0% Reduction	Adjustment	-\$4,120
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$16,480
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Screening Date 13-Aug-2012

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PCW

Respondent ISP Synthetic Elastomers LLC

Policy Revision 2 (September 2002)

Case ID No. 44746

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100224799

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	6	30%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	5	100%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 131%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for six NOVs with same/similar violations, one NOV with dissimilar violations, and five orders with denial of liability. Reduction for one Notice of Intent to conduct an audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 131%

Screening Date 13-Aug-2012

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PCW

Respondent ISP Synthetic Elastomers LLC

Policy Revision 2 (September 2002)

Case ID No. 44746

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100224799

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 1

Rule Cite(s) Federal Operating Permit ("FOP") No. O1224, Special Terms and Conditions No. 12, New Source Review Permit ("NSRP") No. 9908, Special Conditions No. 1, 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions, as documented during a June 5, 2012 investigation. Specifically, the Respondent released 746 pounds ("lbs") of butadiene and 298 lbs of styrene from a ball valve during an emission event that began on February 1, 2011, and lasted ten minutes. The event occurred when freezing conditions caused a ball valve on the line going to the latex pump in the 8CC Reactor area to fail. Since this emission event was not reported, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to an insignificant amount of pollutants that did not exceed levels protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$625

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes

The Respondent completed corrective actions on June 1, 2011, prior to the August 3, 2012 NOE.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$25

Violation Final Penalty Total \$5,150

This violation Final Assessed Penalty (adjusted for limits) \$5,150

Economic Benefit Worksheet

Respondent ISP Synthetic Elastomers LLC

Case ID No. 44746

Reg. Ent. Reference No. RN100224799

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	1-Feb-2011	1-Jun-2011	0.33	\$25	n/a	\$25

Notes for DELAYED costs

Estimated cost to install insulation on the ball valve and line going to the latex pump in the 8CC Reactor area to prevent failure due to freezing temperatures and the recurrence of similar emissions events. The Date Required is the date of the emissions event. The Final Date is the date corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$25

Screening Date 13-Aug-2012

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PCW

Respondent ISP Synthetic Elastomers LLC

Policy Revision 2 (September 2002)

Case ID No. 44746

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100224799

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 2

Rule Cite(s)

FOP No. O1224, Special Terms and Conditions No. 12, NSRP No. 9908, Special Conditions No. 1, 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions, as documented during a June 5, 2012 investigation. Specifically, the Respondent released 16.5 lbs of butadiene from an atmospheric water break tank during an emission event that began on February 16, 2011, and lasted one minute. The event occurred when a redundant check valve failed and a pressure differential in the 8DA Reactor allowed butadiene to backflow through a control valve and into an atmospheric water break tank. Since this emissions event was not reported, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to an insignificant amount of pollutants that did not exceed levels protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$625

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes

The Respondent completed corrective actions on June 1, 2011, prior to the August 3, 2012 NOE.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$22

Violation Final Penalty Total \$5,150

This violation Final Assessed Penalty (adjusted for limits) \$5,150

Economic Benefit Worksheet

Respondent ISP Synthetic Elastomers LLC

Case ID No. 44746

Reg. Ent. Reference No. RN100224799

Media Air

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	16-Feb-2011	1-Jun-2011	0.29	\$22	n/a	\$22

Notes for DELAYED costs

Estimated cost to conduct an evaluation of the check valves and pump system starter controls to prevent pressure differentials in the 8DA Reactor and the recurrence of emissions events. The Date Required is the date of the emissions event. The Final Date is the date corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$22

Screening Date 13-Aug-2012

Docket No. 2012-1619-AIR-E

PCW

Respondent ISP Synthetic Elastomers LLC

Policy Revision 2 (September 2002)

Case ID No. 44746

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100224799

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 3

Rule Cite(s)

FOP No. O1224, Special Terms & Conditions No. 2.F., 30 Tex. Admin. Code §§ 101.201(a) and 122.142(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to determine if the February 1, 2011 and February 16, 2011 emission events were reportable and submit initial notifications within 24 hours after discovery.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

The Respondent failed to comply with 100% of the rule requirements.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2

2 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$5,000

Two single events are recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$1,250

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent completed corrective actions on June 1, 2011, prior to the August 3, 2012 NOE.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$10,300

This violation Final Assessed Penalty (adjusted for limits) \$10,300

Economic Benefit Worksheet

Respondent ISP Synthetic Elastomers LLC
Case ID No. 44746
Reg. Ent. Reference No. RN100224799
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	2-Feb-2011	1-Jun-2011	0.33	\$8	n/a	\$8
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to conducted employee training on emission event reporting requirements and designate specific staff to ensure compliance. The Date Required is the earliest date an initial notification was due. The Final Date is the date corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

TOTAL \$8

Compliance History Report

Customer/Respondent/Owner-Operator: CN602296287 ISP Synthetic Elastomers LLC Classification: AVERAGE Rating: 6.62

Regulated Entity: RN100224799 ISP SYNTHETIC ELASTOMERS Classification: AVERAGE Site Rating: 6.62

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0017A
	AIR OPERATING PERMITS	PERMIT	1224
	POLLUTION PREVENTION PLANNING	ID NUMBER	P00026
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD059333443
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION #	30144
		(SWR)	
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD000789685
	WASTEWATER	EPA ID	TX0072311
	WASTEWATER	PERMIT	WQ0002487000
	WASTEWATER	EPA ID	TX0087602
	AIR NEW SOURCE PERMITS	PERMIT	9908
	AIR NEW SOURCE PERMITS	PERMIT	7642
	AIR NEW SOURCE PERMITS	PERMIT	9351A
	AIR NEW SOURCE PERMITS	PERMIT	4132A
	AIR NEW SOURCE PERMITS	REGISTRATION	11481A
	AIR NEW SOURCE PERMITS	PERMIT	12381A
	AIR NEW SOURCE PERMITS	PERMIT	15069A
	AIR NEW SOURCE PERMITS	PERMIT	9100A
	AIR NEW SOURCE PERMITS	PERMIT	16309A
	AIR NEW SOURCE PERMITS	PERMIT	16456A
	AIR NEW SOURCE PERMITS	REGISTRATION	33357
	AIR NEW SOURCE PERMITS	REGISTRATION	72127
	AIR NEW SOURCE PERMITS	AFS NUM	4824500034
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0017A
	AIR NEW SOURCE PERMITS	REGISTRATION	70480
	AIR NEW SOURCE PERMITS	REGISTRATION	71804
	AIR NEW SOURCE PERMITS	REGISTRATION	73735
	AIR NEW SOURCE PERMITS	PERMIT	74010
	AIR NEW SOURCE PERMITS	REGISTRATION	82785
	AIR NEW SOURCE PERMITS	REGISTRATION	87957
	AIR NEW SOURCE PERMITS	REGISTRATION	93144
	AIR NEW SOURCE PERMITS	REGISTRATION	97956
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	JE0017A

Location: 1615 MAIN ST, PORT NECHES, TX, 77651

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: September 20, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 13, 2007 to August 13, 2012

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Rebecca Johnson Phone: (361) 825-3423

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES
2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO
3. If **YES**, who is the current owner/operator? N/A
4. If **YES**, who was/were the prior owner(s)/operator(s)? N/A
5. If **YES**, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 04/03/2008

ADMINORDER 2007-1668-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(I)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01224, General Terms and Conditions OP
O-01224, Special Condition 2F OP

Description: Failure to properly report an emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01224, General Terms and Conditions OP
O-01224, Special Condition 11 OP

Description: Failure to maintain emission rates below the allowable emission limits.

Effective Date: 04/03/2008

ADMINORDER 2007-0377-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 74010, Special Condition 6D PERMIT
O-01224, General Terms and Conditions OP
O-01224, Special Condition 11A OP

Description: Failure to perform testing no later than 180 days from the initial startup after conversion at Boiler 2. Specifically, Boiler 2 had exceeded the 40 MMBTU/hr heat input rate on January 23, 2006, hence the testing was required to have been done on or before July 22, 2006 but was not done until January 3, 2007.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9908, Special Condition 1 PERMIT
O-01224, General Terms and Conditions OP
O-01224, Special Condition 11A OP

Description: Failure to maintain emission rates below the allowable emission limits, releasing unauthorized emissions of 23.164 pounds (lbs) of Butadiene and 4.54 lbs of Styrene during a twenty-five minute emissions event which occurred at the Recycle Butadiene ("BD") Tank on December 24, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9908, Special Condition 1 PERMIT
O-01224, General Terms and Conditions OP
O-01224, Special Condition 11A OP

Description: Failure to maintain emission rates below the allowable emission limits. Specifically, 24 pounds ("lbs") of butadiene, and 30 lbs of styrene were released when ISP failed to prevent a foam-over in the Pressure Flash tank, which resulted in latex getting into the Recycle Bd Tanks in the tank farm, causing an emissions event that began on February 28, 2007, and lasted for one hour and thirty-five minutes (Incident No.87760).

Effective Date: 02/07/2010

ADMINORDER 2009-0699-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 9908, Special Condition 1 PERMIT
O-01224, General Terms and Conditions OP
O-01224, Special Condition 11A OP

Description: Failure to comply with the permitted VOC and Vinyl Cyclohexene (VCH) emission limits for E Dryer.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01224, General Terms and Conditions OP

Description: Failure to report the occurrence of deviations in semi-annual deviation reports.

Effective Date: 04/25/2010

ADMINORDER 2009-1820-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01224, General Terms and Condition OP

O-01224, Special Condition 11 OP

Permit 9908, Special Condition 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

A8(c)(2)(A)(ii)

MOD 2D

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01224, General Terms and Condition OP

O-01224, Special Condition 11 OP

Special Condition 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

A8(c)(2)(A)(ii), Moderate 2d

Effective Date: 12/04/2010

ADMINORDER 2010-0916-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Special Condition 1 PERMIT

Special Condition 11 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

EIC A8(c)(2)(A)(ii), MOD 2D

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	08/03/2012	(1015466)
2	08/20/2007	(568927)
3	12/04/2007	(571615)
4	10/10/2007	(571949)
5	10/09/2007	(572403)
6	12/10/2007	(593585)
7	02/05/2008	(612920)
8	02/26/2008	(617182)

9	04/07/2008	(638591)
10	08/27/2008	(687711)
11	12/23/2008	(702152)
12	05/06/2009	(725013)
13	04/02/2009	(740026)
14	09/21/2009	(764164)
15	08/20/2009	(765825)
16	11/05/2009	(767073)
17	11/23/2009	(777019)
18	11/05/2009	(778620)
19	02/23/2010	(792617)
20	05/20/2010	(796435)
21	05/26/2010	(824701)
22	05/24/2011	(866704)
23	02/28/2011	(892474)
24	08/17/2011	(945091)
25	08/11/2011	(945135)
26	12/16/2011	(974579)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	08/15/2007	(570926)	CN602296287	
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(C) 30 TAC Chapter 122, SubChapter B 122.146(2) 5C THC Chapter 382, SubChapter A 382.085(b) O-01224, General Terms and Conditions OP			
Description:	Failure to submit a semi-annual deviation report and annual compliance certification (ACC) within the required time-frames.			

Date:	08/20/2007	(568927)	CN602296287	
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 335, SubChapter A 335.4			
Description:	Unauthorized discharge of sulfate contaminated rainwater from a rolloff containing empty bags of Acmepon SLS (trade name).			
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 324, SubChapter A 324.6 40 CFR Chapter 279, SubChapter I, PT 279, SubPT C 279.22(c)			
Description:	A tote of used oil was not labeled correctly.			

Date:	12/10/2007	(593585)	CN602296287	
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THSC Chapter 382 382.085(b) O-01224, General Terms and Conditions OP			
Description:	Failure to report the occurrence of deviations in semi-annual deviation reports.			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.146(1) 30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v) 5C THSC Chapter 382 382.085(b) O-01224, General Terms and Conditions OP			
Description:	Failure to accurately certify compliance in the Annual Compliance			

	Certification (ACC).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.130 30 TAC Chapter 113, SubChapter C 113.260 30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a) 5C THSC Chapter 382 382.085(b) 9908, Special Condition 22E PERMIT 9908, Special Condition 3 PERMIT O-01224, General Terms and Conditions OP O-01224, Special Condition 11A OP O-01224, Special Condition 1A OP O-01224, Special Condition 1D OP		
Description:	Failure to seal several open-ended lines with a cap, plug, or blind flange.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) 9908, Special Condition 19 PERMIT O-01224, General Terms and Conditions OP O-01224, Special Condition 11A OP		
Description:	Failure to maintain records for the computerized database system.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) 74010, Special Condition 8 PERMIT O-01224, General Terms and Conditions OP O-01224, Special Condition 11A OP		
Description:	Failure to maintain records of natural gas consumption for Boiler Numbers 1, 2, 3, 4, and 5.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) 74010, Special Condition 3 PERMIT O-01224, General Terms and Conditions OP O-01224, Special Condition 11A OP		
Description:	Failure to comply with the permitted firing rate of 56 MMBTU/hr at Boiler Numbers 1 and 2.		
Date:	04/03/2009 (740026)	CN602296287	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.260 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.485(a) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.498(d) 5C THSC Chapter 382 382.085(b) NSR 9908 Special Condition 3 PERMIT O-01224 General Terms and Conditions OP O-01224 Special Condition 11 OP O-01224 Special Condition 1D OP		
Description:	Failure to maintain monitoring records for the plant flare.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.260 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a) 40 CFR Part 63, Subpart H 63.163 40 CFR Part 63, Subpart H 63.173 5C THSC Chapter 382 382.085(b) NSR 9908 Special Condition 3 PERMIT O-01224 Special Condition 11 OP O-01224, General Terms and Conditions OP O-01224, Special Condition 1D OP		
Description:	Failure to maintain records of visual, weekly inspections of pumps and		

	agitators.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) NSR 74010, Special Condition 3 PERMIT O-01224 General Terms and Conditions OP O-01224 Special Condition 11 OP		
Description:	Failure to maintain Boiler 1 (EPN: Boiler 1) below the maximum firing rate of 56 Million British thermal units per hour (MMBtu/hr).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) O-01224 General Terms and Conditions OP O-01224 Special Condition 3B(iii) OP		
Description:	Failure to conduct the required quarterly visible emissions observations (VEO).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.260 30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a) 40 CFR Part 63, Subpart H 63.167 5C THSC Chapter 382 382.085(b) NSR 9908 Special Condition 22E PERMIT O-01224 General Terms and Conditions OP O-01224 Special Condition 11 OP		
Description:	Failure to properly equip and seal several open-ended lines with a cap, plug, or blind flange.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 106, SubChapter T 106.454(3)(B) 30 TAC Chapter 115, SubChapter E 115.412(1)(A) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) O-01224 General Terms and Conditions OP O-01224 Special Condition 11 OP		
Description:	Failure to maintain a lid on a degreaser whenever parts are not being handled in the cleaner.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) O-01224 General Terms and Conditions OP O-01224 Special Condition 1A OP		
Description:	Failure to conduct daily flare observations on the back-up flare whenever in operation.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) NSR 9908, Special Condition 6 PERMIT O-01224 General Terms and Conditions OP O-01224, Special Condition 11 OP		
Description:	Failure to maintain the maximum hourly residual styrene concentration of 0.03 weight percent on a wet basis in the latex feeding any of the 10 finishing lines.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) NSR 9908 Special Condition 8 PERMIT O-01224 General Terms and Conditions OP O-01224 Special Condition 11 OP		
Description:	Failure to conduct the quarterly Static Ambient Temperature Extraction (SATE) test.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b)		

	NSR 9908 Special Condition 10D PERMIT O-01224 General Terms and Conditions OP O-01224 Special Condition 11 OP		
Description:	Failure to properly record the date, time, and duration of each planned maintenance, start-up, and shutdown (MSS) activity.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.116(a)(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) O-01224 Special Condition 11 OP		
Description:	Failure to adhere to the number of planned maintenance events represented on Table B-11 in the permit application (dated December 2006) of NSR Permit Number 9908.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) NSR 9908 Special Condition 11 PERMIT O-01224 General Terms and Conditions OP O-01224 Special Condition 11 OP		
Description:	Failure to conduct daily total dissolved solids (TDS) sampling of the cooling tower water.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) NSR 9908 Special Condition 1 PERMIT O-01224 General Terms and Conditions OP O-01224 Special Condition 11 OP		
Description:	Failure to maintain the particulate matter (PM) emission rate below the allowable emission limits.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) NSR 9908 Special Condition 18 PERMIT O-01224 General Terms and Conditions OP O-01224 Special Condition 11 OP		
Description:	Failure to conduct an investigation that resulted in a report which includes corrective actions taken when the monitored concentrations exceeded 25 parts per billion (ppb).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) NSR 9908, Special Condition 18 PERMIT O-01224, General Terms and Conditions OP O-01224, Special Condition 11 OP		
Description:	Failure to maintain on-site for review, documentation regarding monitor down time and corrective actions taken when the monitor was down.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 324, SubChapter A 324.1 40 CFR Chapter 279, SubChapter I, PT 279, SubPT C 279.22(c)		
Description:	Failure to properly label used oil drums with the words "Used Oil".		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.260 30 TAC Chapter 115, SubChapter D 115.352(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(2) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a) 5C THSC Chapter 382 382.085(b) NSR 9908, Special Condition 3 PERMIT O-01224 General Terms and Conditions OP O-01224, Special Condition 11 OP O-01224, Special Condition 1D OP		
Description:	Failure to make a first attempt at repair. C10		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.260 30 TAC Chapter 115, SubChapter D 115.352(2)		

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(d)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)
NSR 9908, Special Condition 22I PERMIT
NSR 9908, Special Condition 23A PERMIT
NSR 9908, Special Condition 3 PERMIT
O-01224 Special Condition 1D OP
O-01224, General Terms and Conditions OP
O-01224, Special Condition 11 OP

Description: Failure to make a first attempt at repair on a leaking component within five days and repair leaking compents within fifteen days. C10

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
O-01224 General Terms and Conditions OP

Description: Failure to report the occurrence of deviations in semi-annual deviation reports.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)
O-01224, General Terms and Conditions OP

Description: Failure to accurately certify an Annual Compliance Certification for the period of April 29, 2007 through April 30, 2008.

Date: 11/24/2009 (777019) CN602296287

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)
5C THSC Chapter 382 382.085(b)
O-01224 Special Condition 11 OP
O-01224, General Terms and Conditions OP
O-01224, Special Condition 1D OP
Special Condition 3 PERMIT

Description: Failure to maintain records of visual, weekly inspections of pumps.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01224 General Terms and Conditions OP
O-01224 Special Condition 11 OP
Special Condition 3 PERMIT

Description: Failure to maintain Boiler 1, Emission Point Number (EPN) Boiler 1, at or below the maximum firing rate of 56 Million British thermal units per hour (MMBtu/hr).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.100
30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.481(f)
5C THSC Chapter 382 382.085(b)
O-01224 General Terms and Conditions OP
O-01224 Special Condition 11 OP
O-01224 Special Condition 1D OP
Special Condition 13 PERMIT

Description: Failure to operate the Plant Flare, EPN PLANTFLARE, with a flame present at all times.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)

5C THSC Chapter 382 382.085(b)
O-01224 General Terms and Conditions OP

Description: Failure to report the occurrence of deviations in SDR.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)
O-01224, General Terms and Conditions OP

Description: Failure to accurately certify an Annual Compliance Certification for the period of April 29, 2008, through April 30, 2009.

Date: 02/28/2011 (892474) CN602296287

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 11 OP
Special Condition 1D OP
Special Condition 22E PERMIT
Special Condition 3 PERMIT

Description: Failure to operate without a cap, blind flange, plug, or a second valve installed on equipment in Volatile Organic Compound (VOC) service.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to report deviations in the appropriate deviation report and in a timely manner.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 11 OP
Special Condition 8 PERMIT

Description: Failure to conduct quarterly Static Ambient Temperature Extraction (SATE) testing on Dryers C and J in the 3rd quarter of 2009.

Date: 08/03/2012 (1015466) CN602296287

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)
SC 1A OP

Description: Failure to submit a Semiannual Deviation Report in a timely manner.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.110
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(b)(1)
5C THSC Chapter 382 382.085(b)
SC 10 PERMIT
SC 1A OP

Description: Failure to conduct quarterly monitoring at South Cooling Tower (EPN CT).
B19g1

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 3B(iv)(1) OP

Description: Failure to conduct quarterly stationary vent visible emissions observations.
B19g1

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THSC Chapter 382 382.085(b) SC 1A OP		
Description:	Failure to report a deviation. B3		

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 1A PERMIT		
Description:	Failure to report emission events in a timely manner. C3		

F. Environmental audits.

Notice of Intent Date: 09/06/2011 (969131)
 No DOV Associated

G. Type of environmental management systems (EMSs).
 N/A

H. Voluntary on-site compliance assessment dates.
 N/A

I. Participation in a voluntary pollution reduction program.
 N/A

J. Early compliance.
 N/A

Sites Outside of Texas
 N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ISP SYNTHETIC ELASTOMERS
LLC
RN100224799**

**§ BEFORE THE
§
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2012-1619-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding ISP Synthetic Elastomers LLC ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant at 1615 Main Street in Port Neches, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 8, 2012.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twenty Thousand Six Hundred Dollars (\$20,600) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Sixteen Thousand Four Hundred

Eighty Dollars (\$16,480) of the administrative penalty and Four Thousand One Hundred Twenty Dollars (\$4,120) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant on or before June 1, 2011:
 - a. Installed insulation on the ball valve and line going to the latex pump in the 8CC Reactor area, to prevent failure due to freezing conditions and the recurrence of emission events due to same or similar causes as the February 1, 2011 incident;
 - b. Conducted an evaluation of the check valves and pump system starter controls in the 8DA Reactor area, to prevent pressure differentials in the reactor and the recurrence of emission events due to same or similar causes as the February 16, 2011 incident; and
 - c. Conducted employee training on emission event reporting requirements and designated specific staff to report emission events, to ensure emission events are properly reported.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to prevent unauthorized emissions, in violation of Federal Operating Permit ("FOP") No. 01224, Special Terms and Conditions No. 12, New Source Review Permit

- ("NSRP") No. 9908, Special Conditions No. 1, 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 5, 2012. Specifically, the Respondent released 746 pounds ("lbs") of butadiene and 298 lbs of styrene from a ball valve during an emission event that began on February 1, 2011, and lasted ten minutes. The event occurred when freezing conditions caused a ball valve on a line to the latex pump in the 8CC Reactor area to fail. Since this emission event was not reported, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
2. Failed to prevent unauthorized emissions, in violation of FOP No. O1224, Special Terms and Conditions No. 12, NSRP No. 9908, Special Conditions No. 1, 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 5, 2012. Specifically, the Respondent released 16.5 lbs of butadiene from an atmospheric water break tank during an emission event that began on February 16, 2011, and lasted one minute. The event occurred when a redundant check valve failed and a pressure differential in the 8DA Reactor allowed butadiene to backflow through a control valve and into an atmospheric water break tank. Since this emissions event was not reported, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
 3. Failed to determine if the February 1, 2011 and February 16, 2011 emission events were reportable and submit initial notifications within 24 hours after discovery, in violation of FOP No. O1224, Special Terms & Conditions No. 2.F., 30 TEX. ADMIN. CODE §§ 101.201(a) and 122.142(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 5, 2012.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ISP Synthetic Elastomers LLC, Docket No. 2012-1619-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Mori
For the Executive Director

2/22/13
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Howard S. Hardegree
Signature

12/10/12
Date

HOWARD S. HARDEGREE
Name (Printed or typed)
Authorized Representative of
ISP Synthetic Elastomers LLC

PLANT MANAGER
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.